

Ordinance No. 2007-36

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE TRANSFER OF DEVELOPMENT RIGHTS, WITHIN THE CITY OF ROCKVILLE

WHEREAS, the City of Rockville is currently undertaking to update and amend its zoning code, specifically Section 16 of the Zoning Code, A-40 Zoning District;

WHEREAS, the City is concerned that certain property within its corporate limits, which is located within the A-40 Zoning District, will be developed inconsistently with the final ordinance;

WHEREAS, the City desires to impose a moratorium on certain land within the City, prohibiting the subdivision or development of certain land, and restricting the transfer of development rights into, out of and within the City; and

WHEREAS, the City finds that this moratorium will protect the planning process and the health, safety, and welfare of its citizens.

NOW, THEREFORE, pursuant to Minnesota Statute section 462.355, subd. 4, the Rockville City Council ordains:

SECTION 1: A moratorium prohibiting the transfer of residential development rights, as well as the subdivision of property for building purposes in which a transfer of residential development rights would be required.

SECTION 2: For a period of six (6) months from the effective date of this Ordinance, or until such time as the City Council determines the moratorium is no longer necessary as to all of the property or any part thereof, this moratorium shall remain in effect.

SECTION 2: An owner of property subject to this moratorium that desires to pursue a prohibited use or activity may apply to the City for a variance. In order for the variance to be granted, the City Council must find that the intended use or activity will not conflict with the proposed amendments to the Zoning Code, if any. In approving a variance, the City Council may impose such conditions as it determines are necessary to protect the public health, safety, and welfare.

SECTION 3: This moratorium may be extended as provided by law.

SECTION 4: This Ordinance shall be effective immediately upon its passage.

SECTION 5: As the City Council finds that publishing the entire ordinance pursuant to Minnesota Statutes Chapter 412 would be unduly expensive. Furthermore, it finds that

the following summary clearly informs the public of the Ordinance's intent and effect. Therefore, only the title and following summary of this ordinance shall be published, and a printed copy of the full ordinance shall be made available for inspection at City Hall, and shall be posted as required, upon the approval of six (6) Councilmembers of this ordinance.

“AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON
THE TRANSFER OF DEVELOPMENT RIGHTS, WITHIN THE CITY
OF ROCKVILLE

The City Council has adopted a moratorium on the transfer of residential development rights. A complete, printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Clerk/Administrator's office.”

Adopted this 7th day of February, 2007.

Brian Herberg, Mayor

ATTEST:

Verena M. Weber, City Administrator-Clerk